Official members—cont.

33 District Agricultural Officer, Tiruchirappalli.

34 Deputy Registrar of Co-operative Societies (North), Tiruchirappalli.

35 Deputy Registrar of Co-operative Societies (South), Tiruchirappalli.

36 Assistant Director of Industries and Commerce, Tiruchirappalli.

37 District Veterinary Officer, Tiruchirappalli.

38 Rural Welfare Officer, Musiri.

39 Rural Welfare Officer, Krishnapuram.

40 Rural Welfare Officer, Vellakoil.

41 Personal Assistant to the Special Officer of the District Board.

Secretary.

42 Revenue Divisional Officer, Tiruchirappalli.

(*b*) No ameliorative and development work has been recommended by the Board for Udayarpalayam taluk for the first Five-year Plan.

(*c*) No rules have been framed governing the constitution of the Planning Boards. The Government have issued only executive instructions to the Collectors to form the Planning Boards in the districts defining the constitution and functions of the Planning Boards.

APPENDIX III.

[Vide answer to starred question No. 312 asked by Sri K. C. Gopalan Unni at the meeting of the Legislative Assembly held on 5th January 1954, page 112 supra.]

Letter from the Collector of Malabar, dated 29th September 1951, No. D. Dis. 22906/51.

[Forests—Madras Preservation of Private Forests Act—Malabar district—Working—Report—Submitted.]

I. *Duration of the Madras Preservation of Private Forests Act.*—The Madras Preservation of Private Forests Act, as validated by Act XXVII of 1949, is now in force up to and inclusive of the 2nd December 1951.

II. *Extent and general condition of private forests.*—The area under the Madras Preservation of Private Forests Act is very extensive in Malabar comprising nearly one-third of the district. The private forests in Attapady Valley were first exempted from the operation of the Act in G.O. Ms. No. 1958, Revenue, dated 19th August 1947, to allow the hill tribes (Irulas) to continue their age-long shifting cultivation. As this exemption was largely abused by the janmis and timber contractors, Government revoked

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the exemption, however, allowing the Irulas to continue their fugitive cultivation without interference pending further orders in the matter. Most of the forests are unsurveyed and owned by big janmis. Owing to the copious rainfall, the forests were very dense and rich in the past. They were heavily exploited during the war years. Even to-day they have got great potentialities provided they are saved in time. Legislation has created a sort of nervousness in the minds of the janmis of these forests who are not sure how long they will continue to enjoy their property rights in these forests. Hence the janmis are in a hurry to make the most of their property before they loose it or are restricted in their rights of ownership. So every janmi or his lessee tries his best to get rich quickly without much concern for the future of the forests. Numerous settlers from Travancore also without any respect for the Madras Preservation of Private Forests Act have cleared and cultivated portions of these private forests. Their favourite type of cultivation, tapioca, is the enemy of the substantial tree growth. Thus the private forests in the district are literally ' under fire ' and the axe from all sides.

III. *Enquiry and disposal of applications under the Act.*—The applications for permits under the Act received by the Collector are first sent to the concerned Tahsildars for enquiry and report about the applicants' right over the forest. The Tahsildar sends his report through the Special Ranger concerned who after inspection and verification whether the applicants have satisfied the required conditions, submits his report to the Special Assistant Conservator of Forests. The Special Assistant Conservator finally sends back the application with his remarks to the Collector. The Collector passes final orders on merits after examining the reports of the Tahsildar and the Special Forest Officers. Permits for clear felling and selection felling are given only in cases in which forests' interests are not adversely affected.

The particulars of permit applications received and disposed of during the several years since the promulgation of the Act are furnished below :—

Year.	*Number of applications received.*	*Number in which permits were granted.*	*Number rejected.*	*Remarks.*	
1947	121	86	35		
1948	96	71	25		
1949	123	91	32		
1950	214	154	53	Pending disposal.	7
1951 (so far) ..	258	87	64	Pending disposal.	107
Total ..	812	489	209		114

It will be seen from the above figures that the number of permit applications is steadily increasing. With the joining of the Special Forest staff and prosecution of the offenders, most of the owners of forests have realized their legal responsibilities

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and have begun to apply for permission to alienate forest areas or to fell trees under section 3 of the Madras Preservation of Private Forests Act.

A fee of Rs. 5 was being collected in respect of each permit application till September 1948. The application fee was increased to Rs. 10 as per G.O. Ms. No. 4640, Development, dated 11th September 1948. The approximate income derived by way of application fee in each year is given below :—

		RS.
1947	..	605
1948	..	625
1949	..	1,230
1950	..	2,520
1951 (so far)	..	3,260
Total	..	8,240

The present income by way of stamp fee is far below the expenditure involved in the maintenance of the special staff employed in the district for the administration of the Act.

IV. *Special staff*.—A Special Forest staff consisting of one Special Assistant Conservator of Forests, eight Special Rangers, sixteen foresters, one clerk and eleven peons are now employed in the district for work connected with the administration of the Act, besides one upper division clerk and one lower division clerk in my office for the purpose. The approximate expenditure on account of the maintenance of the special staff will be Rs. 50,000 a year. Though the Madras Preservation of Private Forests Act has been in force since 1946, its effective enforcement in the district started only with the piecemeal joining of the Special Forest staff at the end of 1949 and later.

The Special Rangers have been asked to inspect the private forests in their respective jurisdiction as often as possible and to report violations of the Act if and when noticed. Copies of the felling permits are communicated to the Special Assistant Conservator of Forests and the Special Rangers with a view to check and see whether the permit-holders observe the conditions of the permits. The Revenue subordinate officers have also been instructed to be alert and report cases of violations of the provisions of the Act promptly.

V. *Extent up to which the Act has assisted in the preservation and prevention from denudation of private forests*.—The Special Forest staff now sanctioned for the district is not quite adequate for the effective administration of the Madras Preservation of Private Forests Act when compared with the vast area covered by the Act in the district. The Special Forest staff are essential not only to make inspections and enquiries before issue of permits but also to check up whether felling and subsequent regeneration, etc., are being carried out according to the terms of the permit.

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Until this second part is effectively watched, the Act will in fact remain ineffective. The Special Rangers have got wide jurisdiction roughly a taluk each, and their touring is also restricted so as to keep within the sanctioned allotment of travelling allowance. The question of employing additional special staff and enhancing the allotment of travelling allowance is under consideration and a report in the matter will be submitted separately. I may also point out that the successful working of the Act must become the full responsibility of the Forest department, instead of the present system under which some Special Forest staff work under the Collector in respect of private forests while reserved forests in the same area are under the District Forest Officers and the regular Forest staff who alone have the legal powers under the Timber Transit Rules, to effectively check clandestine movements of timber.

The Special Forest staff and the Revenue subordinates are reporting cases of violation of the provisions of the Act. Each case is examined in detail and prosecution sanctioned if there is clear evidence to prove the offence. In other cases, the persons concerned are warned. These prosecutions and warnings and even enquiries into offences have begun to create some fear in the minds of the owners of forests and they now hesitate to commit offences under the Act. But the Travancore settlers have not much respect for the Act since after all, even for a flagrant breach of it we can only prosecute and not evict and many of these land hungry enterprising settlers will be quite willing to face prosecution, pay fines and retain their cleared lands.

VI. *Prosecutions sanctioned.*—The particulars of prosecutions so far sanctioned under the Act are furnished below :—

(i) Total number of cases reported by the subordinate officers—

Violation of section 3 (1) (*a*)	7
Violation of section 3 (2)	97
Total ...	104

(ii) Number of cases in which prosecution was sanctioned—

Under section 3 (1) (*a*)	7
Under section 3 (2)	20
Total ...	27

(iii) Number of cases disposed of—

Under section 3 (1) (*a*), convicted ...	1
Under section 3 (1) (*a*), acquitted, discharged or withdrawn	..
Under section 3 (1) (*a*), pending disposal.	6
Under section 3 (2), convicted	2

Under section 3 (2), acquitted	2
Under section 3 (2), discharged	1
Under section 3 (2), withdrawn	1
Under section 3 (2), pending disposal ...	14
(iv) Number of cases in which parties have been warned or further enquiry dropped for want of evidence	42
(v) Number of cases pending enquiry ...	35

VII *Difficulties realized in the working of the Act.*—The following practical difficulties are felt in the actual working of the Act :—

(i) *Contiguity of the area.*—According to section 1, (2) (i) of the Madras Preservation of Private Forests Act, the Act applies to private forests in Malabar having a continuous area exceeding 100 acres and owned by a single person or by more than one person jointly. When large blocks of forest land belonging to Marumakkathayam tarwads undergo partition, the extent of each individual share, in some cases, becomes less than 100 acres and that land thereby goes outside the scope of the Act. I had suggested an amendment to section 1 (2) (i) of the Act by adding the words ' or severally ' with a view to bring such extents also within the scope of the Act in the interest of the preservation of private forests.

(ii) *Assessed lands.*—The Board has held that ' estate developed ', ' developed dry ' and ' occupied dry ' lands which are permanently assessed will come within the scope of the Madras Preservation of Private Forests Act if they are actually forest on ground. The Government Pleader, South Malabar, Kozhikode, when consulted has remarked that there may be some legal difficulty in pressing this point in a case of prosecution inasmuch as the definition of ' forest ' given in the Act is only illustrative and not definitive. I have therefore submitted a further report to the Board in the matter to reconsider the question of bringing such lands within the scope of the Act by a declaration under section 2 (*a*) of the Act.

(iii) *Enforcement of the conditions of permit for cultivation purposes.*—I have pointed out the absolute necessity for issuing permits under section 3 (2) of the Madras Preservation of Private Forests Act for reclamation for cultivation purposes in the interests of the Grow More Food campaign and the general development of the district. There is practically no scope for extension of cultivation in the district if permission to reclaim at least those lands which are swampy or have no tree growth is not given. But there is no provision either in the Act or in the rules framed thereunder to legally enforce the conditions of cultivation permits. Failure to cultivate the clearfelled area cannot be construed as an ' Act ' amounting to denudation of a forest or diminishing its utility as a forest which alone is punishable under section 3 (2) read with section 7 of the Act. In the case of such permits, the

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condition regarding the leaving of stumps on the ground as required by rule 7 (*a*) of the rules framed under the Act cannot also be complied with by the permit-holders for the obvious reason that in order to make the lands suitable for cultivation, the stumps also will have to be removed. In order to overcome these difficulties, I have proposed an amendment to section 7 (1) of the Act and insertion of a note to rule 7 (*a*) of the rules framed under the Act.

(iv) *Seizure of properties.*—There is no provision either in the Act or in the rules framed thereunder to seize the properties involved in cases under the Act. Although there is provision to prosecute the offenders, imposition of even heavy fines may not have the desired effect for the obvious reason that the enormous profits they make easily outweigh the fines imposed. I had reported that properties may be got seized by the Police, wherever necessary, under section 550, Criminal Procedure Code, pending inclusion of the essential provisions of the Madras Preservation of Private Forests Act in the Madras Forest Act, 1882, by an amending Bill which is under the consideration of the Government. However, I feel that there should be provision in the Act to seize the properties involved in the cases and the courts should be empowered to confiscate them. Such a provision will surely discourage people from carrying out unauthorized felling to a much greater extent than at present and will help in the efficient enforcement of the Act.

(v) *A uniform system of Timber Transit Rules*, extended to the entire district with 'tanahs' at important points is urgently necessary for the effective enforcement of the Act since it is at present very difficult to check the movement of illicitly felled timber.

APPENDIX IV.

[Vide answer to starred question No. 314 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 5th January 1954, page 114 supra.]

Extent of damage caused by the floods in July 1953 in the Malabar district and the relief measures undertaken by the Government.

(*a*) Extent of damage—

(i)	**Total number of huts collapsed .. ..**	**880**
(ii)	**Total number of huts which were damaged.**	**1,280**
(iii)	**Acreage under standing crops affected by the floods.**	**2,458·65 acres.**
(iv)	**Estimated loss of paddy .. .. ..**	**Paddy, first crop, about 596 tons.**